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             Attorneys for Plaintiffs
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         8
                                      UNITED STATES DISTRICT COURT
         9
                                    NORTHERN DISTRICT OF CALIFORNIA
        10
        11
             KEN WALTERS and JOHN BONILLA, in their
                                                         ) No.
                                                                 C 05 4986 TEH
             respective capacities as Trustees of the
             OPERATING ENGINEERS HEALTH AND
        12
             WELFARE TRUST FUND FOR NORTHERN
             CALIFORNIA: TRUSTEES OF THE PENSION
                                                        ) STIPULATION FOR DISMISSAL WITH
        13
             TRUST FUND FOR OPERATING ENGINEERS; ) PREJUDICE OF WESTCON
             TRUSTEES OF THE PENSIONED OPERATING) MICROTUNNELING, INC., A UTAH
        14
             ENGINEERS HEALTH AND WELFARE FUND; CORPORATION AND PROPOSED
             TRUSTEES OF THE OPERATING ENGINEERS ) ORDER THEREON
        15
             AND PARTICIPATING EMPLOYERS PRE-
             APPRENTICESHIP, APPRENTICE AND
        16
             JOURNEYMEN AFFIRMATIVE ACTION
             TRAINING FUND; TRUSTEES OF THE
        17
             OPERATING ENGINEERS VACATION AND
             HOLIDAY PLAN,
        18
                         Plaintiffs,
        19
        20
                   v.
        21
             WESTCON MICROTUNNELING, INC., A Utah
             Corporation; WESTCON MICROTUNNELING,
             INC. a Division of MODERN CONTINENTAL
        22
             CONSTRUCTION CO., INC.; MODERN
             CONTINENTAL CONSTRUCTION CO., INC.;
        23
             A Massachusetts Corporation;
        24
                         Defendants.
        25
        26
            ///
            ///
        27
VEINBERG, ROGER & ROSENFELD
Professional Com-
             ///
Professional Corporation
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Stipulation For Dismissal

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1	Pursuant to FRCP 41(a)(2) Plaintiffs and Defendant Westcon Microtunneling, Inc., a Utah
2	Corporation, by and through their attorneys of record hereby request that Defendant Westcon
3	Microtunneling, Inc., a Utah Corporation be dismissed with prejudice from this action.
4	
5	Dated: February 9, 2006 WEINBERG, ROGER & ROSENFELD A Professional Corporation
6	
7	By: /s/ JOYE BLANSCETT
8	Attorneys for Plaintiffs
9	Dated: February 7, 2006
10	SIMPSON GARRITY & INNES A Professional Corporation
11	A Folessional Corporation
12	By: /s/
13	By: /s/ PAUL V. SIMPSON Attorneys for Defendant
14	Westcon Microtunneling, Inc., a Utah Corporation
15	
16	ORDER
17	IT IS HEREBY ORDERED that Defendant Westcon Microtunneling, Inc., a Utah
18	Corporation, be dismissed with prejudice from the above-captioned case.
19	TATES DISTRICT
20	Dated: 02/13/06
21	RABLE THELTON E. HENDERSON
22	RABIE THELTON E. HENDERSON
23	The derson 2
24	Judge Thelton E. Henderson
25	
26	DISTRICT OF CE
27	

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